



**South Somerset  
District Council**

# **Housing and Economic Land Availability Assessment**

## **Methodology**

**Updated September 2020**

## **Important Information about the Housing and Employment Land Availability Assessment (HELAA)**

In order to avoid any unnecessary confusion, the Council would like to make the following disclaimer in relation to the Housing and Economic Land Availability Assessment (HELAA) and any other reports relating to its findings:

- The HELAA only identifies opportunities for housing and economic development on sites which are considered to be suitable, available and achievable/developable. It does not allocate sites to be developed. The allocation of sites for future housing or economic development will be identified through the preparation of Local Plans and Neighbourhood Development Plans.
- The identification of potential sites within the HELAA does not imply that planning permission would be granted if an application were to be submitted. The HELAA is a high level assessment. All planning applications will continue to be considered against the appropriate policies within the adopted Development Plan<sup>1</sup>, having regard to any other material considerations.
- The inclusion of potential sites within the HELAA does not preclude them from being considered for other uses.
- Site boundaries are based on the information available at the time of the assessment. The HELAA does not limit an extension or contraction of these boundaries for the purpose of a planning application or potential site allocations.
- The HELAA includes sites suitable to accommodate five dwellings or more, or economic development of 0.25ha (or 500m<sup>2</sup> of floor space) and above. The exclusion of sites from the HELAA which fall below this threshold does not preclude the possibility of a planning application being submitted and later granted. Suitable sites (particularly small sites) for residential or economic development that have not been identified in the HELAA will continue to come forward through the usual planning process, including neighbourhood planning.
- The HELAA does not prevent other alternative sites coming forward for development.

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<sup>1</sup> S.38 (6) of Planning and Compulsory Purchase Act 2004 states: *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

# 1. Introduction

- 1.1 This Housing and Employment Land Availability Assessment (HELAA) provides a suite of evidence that brings together important information related to future housing and employment land delivery in the South Somerset Local Plan Review for the period 2020-2040. It provides the Council with an audit of land regardless of the amount of development needed to meet identified need. The HELAA represents just one part of a wider evidence base and should not be considered in isolation of other evidence. This document outlines the HELAA methodology including an explanation of the site appraisal process.
- 1.2 The Planning Practice Guidance (PPG)<sup>2</sup> published by the Government in July 2019, requires all Local Planning Authorities to undertake a Housing and Employment Land Availability Assessment (HELAA) to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing.
- 1.3 The PPG requires that the existing and future supply of land available for economic development should be assessed.
- 1.4 The assessment forms a key component of the evidence base to underpin policies in development plans for housing and economic development, including supporting the delivery of land to meet identified need for these uses. From the assessment, plan makers will then be able to plan proactively by choosing sites to go forward into their development plan documents to meet objectively assessed needs. The assessment is an important evidence source to inform plan making, but does not in itself determine whether a site should be allocated for development. This is because not all sites considered in the assessment will be suitable for development (e.g. because of policy constraints or if they are unviable). It is the role of the assessment to provide information on the range of sites which are available to meet need, but it is for the development plan itself to determine which of those sites are the most suitable to meet those needs.
- 1.5 The HELAA is a technical study, which identifies land with the potential for housing or economic development; and then assesses this land against a range of criteria and constraints. Its purpose is to:

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<sup>2</sup> <http://planningguidance.communities.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/>

- identify sites with the potential for housing and economic development uses;
  - assess their development potential;
  - assess their suitability for development and the likelihood of development coming forward (their availability and achievability, or deliverability);
  - provide information to assist in identifying whether there is an adequate five year supply of land for housing, identifying potential locations for strategic housing sites for at least the first 10 years of a plan and ideally 15 years; and
  - update a database of sites and their constraints, which can be readily extended.
- 1.6 The PPG makes it clear that the assessment should not be constrained by ‘need’. It is therefore important that all potential land is identified in the first instance, providing a thorough audit before further consideration through the Local Plan process.
- 1.7 The HELAA is intended to be a database of sites that can be reviewed and updated on a regular basis; and to some extent, should be considered as a “live” database of sites within the District. In the context of progressing the Review of the Local Plan, the 2018 HELAA needs to be reviewed and updated.
- 1.8 The HELAA integrates and links to other evidence e.g. the Strategic Housing Market Assessment and the economic development monitoring and projections. It informs rather than determines the plan making process.
- 1.9 In July 2018 the Government published guidance on a new Standardised Methodology for Assessing Housing Need and this was updated in July 2019. This standard method uses a formula to identify the minimum number of homes expected to be planned for in the Local Plan Review, which also addresses projected household growth and historic under-supply<sup>3</sup>. The District’s Housing Need will be reviewed should new evidence emerge, such as revised Government household projections or housing affordability ratios.

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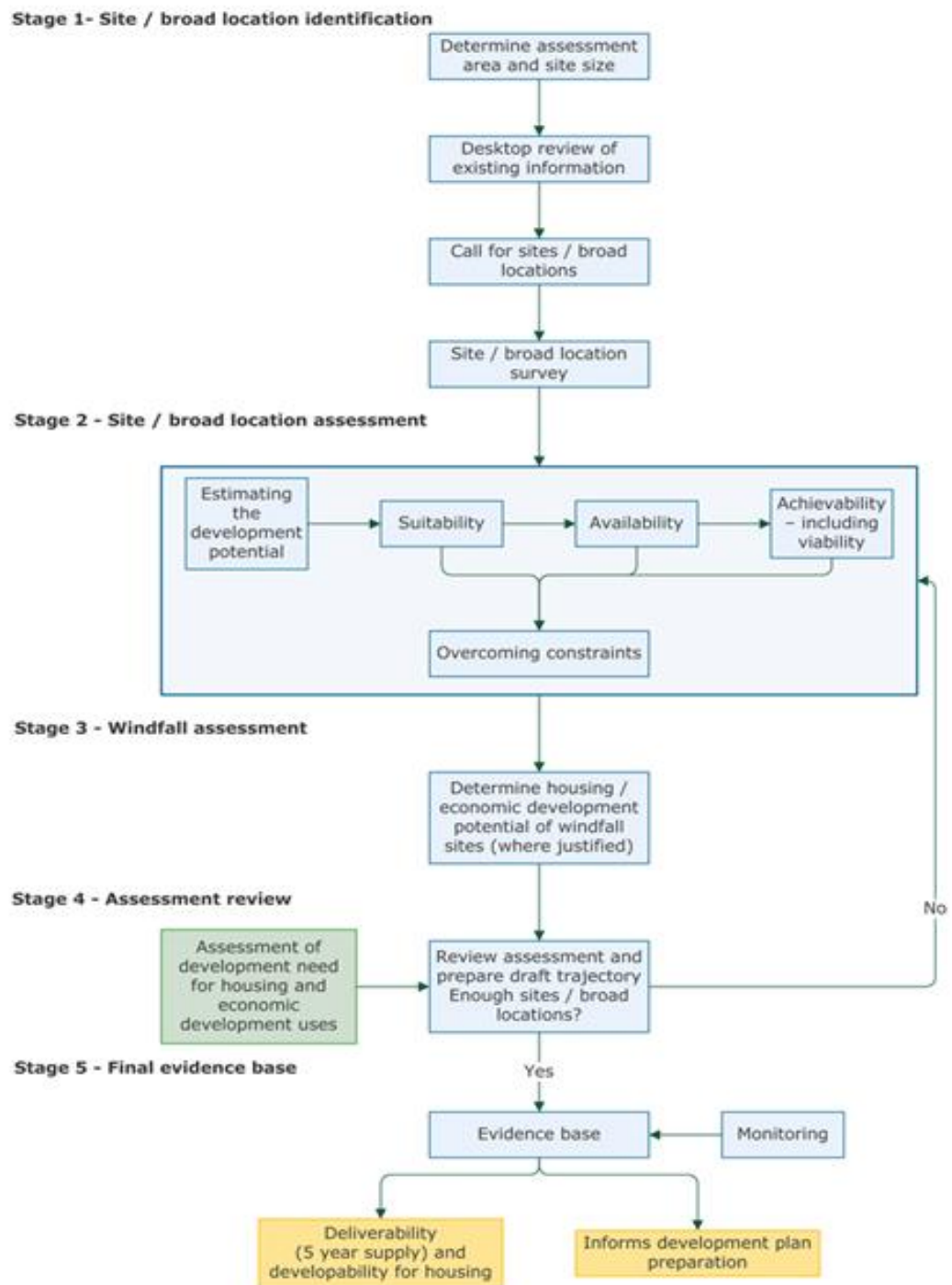
<sup>3</sup> [Housing and economic needs assessment - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/681111/Housing_and_economic_needs_assessment.pdf)

## 2. Methodology

### Overview

2.1 The South Somerset HELAA is produced in accordance with the methodology set out in the PPG<sup>4</sup>. The process is represented in Figure1:

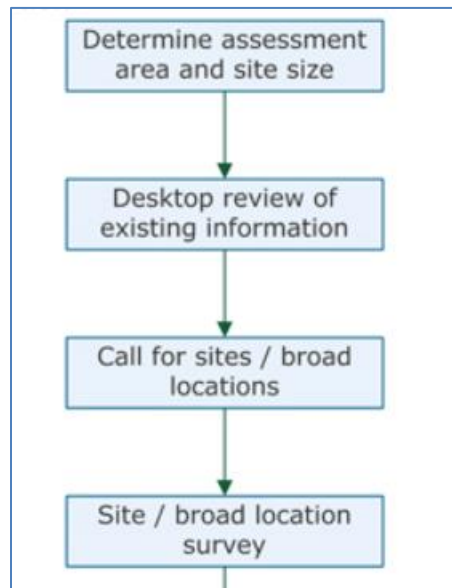
**Figure 1: Housing and Employment Land Availability Assessment Process**



<sup>4</sup> [Housing and economic land availability assessment - GOV.UK](https://www.gov.uk/government/publications/housing-and-economic-land-availability-assessment)

## **Stage 1: Identification of sites and broad locations**

**Figure 2: Stage 1 site/broad location identification**



- 2.2 The purpose of Stage 1 is to identify as many sites as possible for housing and economic development across the District to provide an audit of available land. Once these have been identified, the aim is to gather information about each site to inform the assessment of its development potential (stage 2).

### **Determining the Geographical Area for Assessment**

- 2.3 The PPG states that the area selected for the assessment should be the plan-making area - in this case, the District of South Somerset.

### **Determining the Site Size for Assessment**

- 2.4 The PPG advises that assessments should consider all sites and broad locations capable of delivering five or more dwellings or economic development on sites of 0.25ha (or 500m<sup>2</sup> of floor space) and above. Where appropriate, plan makers may wish to consider alternative site size thresholds. The Council has used the PPG advised thresholds.

### **Call for sites / broad locations**

- 2.5 A new 'Call for Sites' for the 2020 HELAA has been launched in February 2020, until the end of March 2020 to align with a review of the 2018 HELAA. The exercise requests the submission of sites that could be considered suitable for housing or economic development uses including:

- Housing

- Affordable housing only
  - Plots for self-build
  - Care Home/Older Persons Housing
  - Offices, research & development, light industrial (B1)
  - General industrial (B2) / warehousing (B8)
  - Sites for Gypsy and travellers or travelling Showpeople (permanent pitches/plots or transit sites)
  - Other economic development uses
- 2.6 A copy of the form used for the submission of sites is included as an appendix to this document

### Identifying Sites

- 2.7 In addition to the “Call for Sites”, a proactive approach is used to identify as wide a range of sites as possible. The following sources are used to identify sites for housing and economic development:
- Existing Local Plan allocations;
  - Sites considered in existing development briefs;
  - Unimplemented planning permissions;
  - Sites under construction;
  - Lapsed planning permissions;
  - Planning applications that have been refused or withdrawn;
  - Land in the District Council’s ownership;
  - Surplus public sector land;
  - Vacant and derelict land and buildings;
  - Previously considered sites;
  - Sites submitted as ‘Omissions’ during the Local Plan Review Preferred Options consultation (June 2019 to September 2019);
  - Other recent site submissions; and
  - Local Plan Review Option Sites not previously subject to the HELAA process.
- 2.8 The majority of sites used to inform this assessment come from four South Somerset District Council managed databases:
- The **HELAA database** which records sites for residential or economic development that have been identified through the ‘call for sites’ or through the approach described above;

- The **Housing Monitoring database** which records all planning permissions for housing development and tracks their progress;
- The **Employment Monitoring database** which records the progress of planning permissions for economic development, and;
- The **Uniform database** which records all planning applications and their progress towards a decision including those subject to a S.106 agreement or a planning appeal.

2.9 Each of the sites on the HELAA database are given a unique reference number which includes an area identifier (N, S, E or W) and four letter parish code e.g. YEOV and a site reference the first two digits representing the layer e.g. 00 for call for sites and the following two digits representing the site number. The sites are also been plotted on maps/layers and existing HELAA sites can be found at [South Somerset District Council - South Somerset Housing and Employment Land Availability Assessment](#)

### **Desktop review of existing information**

2.10 All sites (apart from sites with planning permission) will be subject to an initial desktop review. Initial site constraint information is drawn together for each site from the Council's GIS system and recorded in a Microsoft Access database. Designations and constraints recorded are:

- Special Protection Area (SPA)
- Special Area of Conservation (SAC)
- RAMSAR
- Area of Outstanding Natural Beauty
- Historic Park and Garden
- Flood Zone 3
- Ancient Woodland
- Archaeological Site of National Importance
- Derelict Land
- Car Park
- Gas Pipe Consultation Zone
- Area of High Archaeological Potential
- Allotment
- Airfield Safeguarding Area
- Mineral Safeguarding Area



- Conservation Area
- TPO Trees
- BMV Agricultural Land
- Adjoining or within the curtilage of a Listed Building; or affecting the setting of a Listed Building
- Peripheral Landscape Study
- County Geological Site
- Contaminated Land

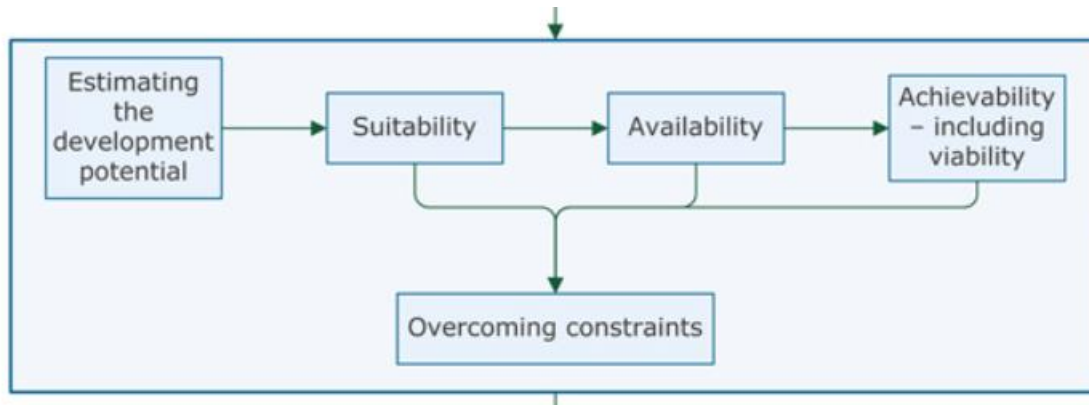
2.11 Other relevant planning constraints are recorded, such as the presence of Rights of Way (ROW). The availability on site of utilities such as water electricity, gas and broadband are recorded, where known, as is the proximity to services such as public transport, shops, schools and GP services. The planning history of each site is also examined. Whilst the whole planning history of a site is not recorded, recent planning applications or pre-application discussions relevant to the delivery of housing or economic development is noted. This information is then used to determine the development potential, suitability and achievability of each site.

Figure 3 Site Assessment Form

South Somerset Housing and Employment Land Availability Assessment - Site Assessment Form									
1. GENERAL SHLAA year				Site Ref No		Entered		ID	
Parish				Settlement				Additional details e.g. BMV ALC grade, Landscape Appraisal category, any other constraints	
Site Name				Street Address				Postcode	
Easting				Northing				Existing pedestrian access/footpaths to site	
Contact details				Total Site Area (ha)				Within 400m of bus stop	
Brownfield/Greenfield				Current Use				Frequency of bus service	
Bad neighbour?		<input type="checkbox"/>		Edge of settlement		<input type="checkbox"/>		Bus service information	
2. SITE CATEGORISATION				Edge of business park		<input type="checkbox"/>		Within 800m of railway station	
Within dev area/settlement		<input type="checkbox"/>		Countryside		<input type="checkbox"/>		Within 800m walking distance of:	
DOG		<input type="checkbox"/>		Allocation				Convenience Shop	
Boundary Treatment				3. DESIGNATIONS AND CONSTRAINTS				GP	
Surrounding land uses				Site Topography				Primary School	
Category 1:				4. PLANNING HISTORY				Within 30 minutes public transport to:	
SPA		<input type="checkbox"/>		Site has Planning Permission?		<input type="checkbox"/>		Hospital	
SAC		<input type="checkbox"/>		Planning Application Number				Secondary School	
RAMSAR		<input type="checkbox"/>		Planning application site details				Areas of Employment	
SSSI		<input type="checkbox"/>		5. OWNERSHIP				8. DELIVERABILITY / DEVELOPABILITY/ VIABILITY	
AONB		<input type="checkbox"/>		Ownership				Is this site suitable?	
Category 2:				Proposed Use				Is this site available?	
Derelict Land		<input type="checkbox"/>		Housing		<input type="checkbox"/>		Developable Area	
Car park		<input type="checkbox"/>		Employment		<input type="checkbox"/>		Housing (ha)	
Gas pipe consultation zone		<input type="checkbox"/>		Mixed Use		<input type="checkbox"/>		Estimated Yield @ 30 dph	
Area of High Archaeological Potential		<input type="checkbox"/>		Gypsy / Traveller		<input type="checkbox"/>		Landowner Yield - Housing	
Allotment		<input type="checkbox"/>		Ownership details e.g. unresolved multiple owners, ransom strips, tenancies or restrictive covenants				Panel Yield (final)	
Airfield Safeguarding Area		<input type="checkbox"/>		6. UTILITIES				Site Area ED (ha)	
Mineral Safeguarding Area		<input type="checkbox"/>		Water		<input type="checkbox"/>		Landowner ED (sqm)	
				Sewerage		<input type="checkbox"/>		Panel ED (sq m)	
				Electricity		<input type="checkbox"/>		Is the site deliverable?	
				Broadband		<input type="checkbox"/>		Commence 0-5 years	
				7. INFRASTRUCTURE AND PROXIMITY TO SERVICES				Is the site developable?	
				Access details				Commence 6-10 years	
								Commence 11 years plus	
								Is this site achievable?	
								Panel Comments	

## Stage 2: Site /broad location assessment

Figure 4: Stage 2



2.12 Stage 2 seeks to establish the development potential, suitability, availability and achievability of each site. This is undertaken through desk top exercises and site visits where necessary.

### Estimating development potential – net developable area

2.13 The net developable area is based upon the following assumptions:

#### Housing:

- Sites of less than 0.4 ha in size: 100% of the site as the net developable area;
- Sites of 0.4 ha – 2 ha: 80% of the site area as the net developable area;
- Site over 2 ha: 60% of the site area as the net developable area.

For larger sites where on-site infrastructure may be required, the development potential needs to take into account the land requirements for such infrastructure including open space, schools, and community facilities.

#### Employment:

- An average plot ratio of 0.4 is used for employment uses. This figure is recognised convention used in Employment Land Reviews across the country. This means that on a site of 1 ha, 40% of the site is the net developable area.

### Estimating development potential - yield

2.14 To reflect the realistic developable site area, indicative 'gross to net ratios' are applied to all sites. Exceptions to this rule are only acceptable where evidence justifies an alternative ratio. The 2020 HELAA Review will use amended ratios to previous versions, which adopted a universal assumption of 30 dwellings per hectare. The ratios now used are:

<b>Location</b>	<b>Density (dwellings per hectare, net)</b>
Town Centre	51 to 100
Strategic Sites/ Planned Urban Extensions/ edge of town centre	31 to 40
Suburban/ Rural Settlement or Location	30

- 2.15 If only part of a site is considered suitable due to certain constraints, the “developable area” and consequently the “estimated yield” will be adjusted accordingly. Alternatively, where there is existing information available on the capacity of a site this may be used as a starting point – this could include masterplans, schemes worked up as part of pre-application discussions, historic planning applications<sup>5</sup> or masterplans submitted through the call for sites process. Development potential may also be adjusted where the individual characteristics of a site need to be taken into account including surrounding residential density, landscape/settlement character, including impact on the setting of heritage assets.
- 2.16 For economic development/ employment land, potential is translated into floorspace using plot ratios. A national figure of 1 hectare equalling 4,000m<sup>2</sup> of floorspace is used unless a local plot ratio indicates otherwise e.g. sites in town centres that may be denser than the average plot ratios.
- 2.17 Any local ratio supersedes the national one. Calculations are presented in the site assessment forms.

#### **Mixed use:**

- 2.18 A 50:50 split between housing and economic development is generally applied, unless the respondent specifically indicates otherwise.
- 2.19 The assessment criteria for determining whether a sites is to be considered suitable, available and achievable are summarised below:

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<sup>5</sup> The existence of historic planning permissions does not imply that the site is necessarily still capable of accommodating the same number of dwellings or floorspace – particularly where certain constraints, national policy etc suggest that development should be restricted.

## **Assessing the suitability of sites for development**

2.20 The assessment of the suitability of sites or broad locations for development is guided by the development plan, emerging plan policy and national policy. Other factors are also taken into account including physical constraints affecting the site, market attractiveness of the site's proposed use and location, and the impacts on amenity and environment of neighbouring areas. Taking this into account an assessment of the suitability of sites is undertaken on the following basis:

- As a starting point, sites are considered to be suitable where they adjoin the development area of the settlement as identified in the Local Plan or are located on the edge of an existing Policy SS2 Rural Settlement. Site constraints are then assessed.
- Sites falling within or partly within any one of five international or national designations are considered to be not suitable. These are sites falling within RAMSAR, Sites of Special Scientific Interest (SSSI), Scheduled Monuments (SM), Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Sites located wholly within a Historic Park and Garden, Ancient Woodland or Flood Zone 3 are also deemed unsuitable.
- In addition, seven further constraints are identified which could critically affect the suitability and viability of a site. Any one or possibly two of these criteria could probably be mitigated for, providing a site is of sufficient size to off-set the costs of mitigation, but it is considered that 3 or more "hits" against these criteria would render a site unsuitable. These are not national designations but are significant considerations which would be taken into account if a planning application were to be made and would thus affect the suitability of a site and where the costs of mitigation for 3 or more of these would be likely to render a site unviable. It is possible that other single constraints, such as very difficult accessibility, could affect the suitability or viability of a site and these matters are identified. The seven constraints are:
  - Proposals for major development within or partially within an AONB.
  - The site is located partially within Flood Zone 3.
  - The site cannot be accessed in an environmentally sensitive way due to the need for very substantial hedge or natural stone wall removal, and/or significant engineering works to adjust levels etc
  - The site is identified in a peripheral landscape study as having a low capacity to accommodate built development.
  - Unacceptable environmental impacts (including pollution)

- Unacceptable amenity impacts to potential occupiers and/or neighbours could occur due to bad neighbour uses
- Unacceptable impact on the historic environment informed by Heritage Specialists.

2.21 Heritage Specialists are consulted on the suitability of sites adjoining Listed Buildings or within/ near Conservation Areas; and the Lead Specialist - Economic Development on those identified for employment uses only; their respective comments are recorded in the “Additional details” section of the site assessment form.

2.22 Sites for new economic development that are not in the identified directions of growth in the Market Towns or Yeovil SUEs are normally considered suitable through the HELAA process where they are adjacent to the development area or adjoin part of an existing employment site.

2.23 Regard will also be had to standing advice from statutory undertakers and infrastructure providers with regard to maintaining appropriate separation between potential development and existing infrastructure (such as a sewage treatment works).

#### **The Somerset Levels and Moors Ramsar Site**

2.24 The Ramsar Site is designated for its internationally important wetland features including the floristic and invertebrate diversity and species of its ditches. The interest features of the Somerset Levels and Moors Ramsar Site are considered unfavourable, or at risk, from the effects of eutrophication caused by excessive phosphates. Although improvements to the Sewage Treatment Works, along with more minor measures to tackle agricultural pollution have been secured, these will not reduce phosphate levels sufficiently to restore the condition of the Ramsar Site features. The scope for permitting further development that would add additional phosphate either directly or indirectly to the site, and thus erode the improvements secured, is necessarily limited.

2.25 Updated guidance from Natural England (see Appendix 2) advises that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment (HRA) proceeding to an appropriate assessment where a likely significant effect cannot be ruled out.

- 2.26 Additional residential units within the catchment are likely add phosphate to the designated site via the waste water treatment effluent, thus contributing to the existing unfavourable condition. Natural England therefore advises that the Council carries out an appropriate assessment of planning applications that will result in a net increase in population served by a wastewater system, including new homes. A map of the catchment area is included in Appendix 3, and HELAA sites for residential development within the catchment, are likely to be subject to HRA and mitigations to achieve nutrient neutrality. This could impact on proposed development capacity figures, unless additional land is utilised to achieve the necessary nutrient neutrality mitigations.

### **Deliverability and Developability**

- 2.27 Paragraph 73 of the NPPF requires Local Authorities to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies”.
- 2.28 The NPPF 2019 amends the previous definitions of Deliverability and Developable and these now state:

***Deliverable:*** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

***Developable:*** To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

### **Assessing the availability of the sites for development**

- 2.29 Assessing the availability of a site helps to determine whether or not it can be determined as deliverable in the context of the Paragraph 73 of the NPPF. The most

important factor in determining the availability of a site is that the landowner is willing to see it developed.

2.30 In assessing the availability of sites for development the Council examines land ownership constraints that may be associated with bringing forward sites. This is based on:

- information from the call for sites forms, with an assumption being that if the landowner agent says the site is available and has not identified any ransom issues, covenants or tenancies that may render the site unavailable, then there is a reasonable probability that there are no ownership issues to prevent the site being developed;
- examining whether a site is in active use and how likely it is for that use to cease and the site to be redeveloped;
- knowledge of whether a site is owned by a developer, has had known developer interest, or was advertised for sale;
- the delivery record of developers / landowners for bringing sites forward;
- whether the planning background of a site shows a history of unimplemented permissions; and
- where sites were identified through the desk top exercise e.g. lapsed planning permissions or register of public sector land or underused land, where possible land owners have been contacted, or the local knowledge of the Panel or Development Management officers has been used to inform the assessment. In the majority of instances. These sites have not generally been deemed deliverable (years 0-5) and therefore would not usually be included in the 5 year supply of housing land;
- where sites have unresolved ownership problems such as multiple ownerships with no agreements, ransom strips, tenancies and covenants will not be considered available unless there is a reasonable prospect the constraints can be overcome.

### **Assessing achievability – including viability**

2.31 A site will be considered achievable where there is a reasonable prospect that development will occur on the site at a particular point in time. A key determinant of achievability is the economic viability of the site. Paragraph 67 of the NPPF states that likely economic viability should be taken into account is identifying a supply of sites. A development should provide a competitive return to a willing landowner and willing developer to enable the development to be deliverable.



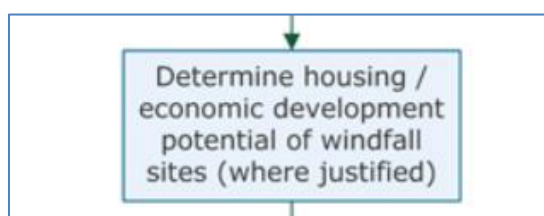
2.32 In assessing whether each site is achievable, account is taken of adjacent uses, in addition, regard is made to:

- the known intentions of a developer/landowner relating to bringing a site forward
- previous input and any new comments on 'Omission Sites' from the HELAA Panel
- obvious costs that would impact on a scheme's viability (for example a site that had previously been used for landfill will need to be remediated)
- information provided from landowners and developers through the call for sites process
- whether a site is in a regeneration area or has support from the Lead Specialist - Economic Development.

2.33 All suitable and available sites considered for site allocations will be assessed for viability in a 'Whole Plan Viability' assessment that will be conducted as part of the Local Plan Review. The commencement date for sites reflects the amended definition of what is deliverable within five years in the NPPF 2019.

### Stage 3: Windfall assessment

**Figure 5: Stage 3 Windfall Assessment**



2.34 The Five Year Housing Land Supply paper, October 2019<sup>6</sup> confirms that the Council has consistently advocated that a proportion of its housing delivery occurs through windfall sites. The geographical extent and rural nature of the District, along with the range of settlement types and size, lend itself to small scale sites coming forward with no prior warning. This is particularly true in the smallest settlements in the District, where minor infill plots and single home applications are common place. Similarly, Government's relaxation of permitted development rights and change of use has resulted in additional windfalls.

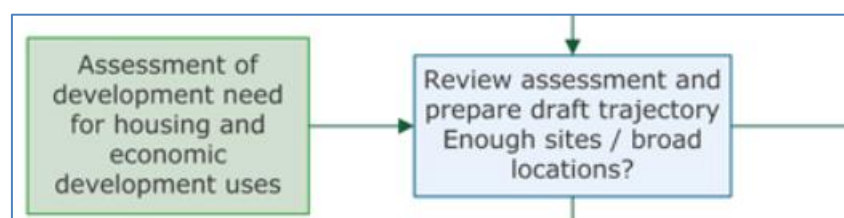
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<sup>6</sup> Five Year Housing Land Supply Report 2019 <https://www.southsomerset.gov.uk/media/2666/2019-5-year-report-and-schedule.pdf>

- 2.35 The Council has adopted a conservative approach to avoid over-reliance on windfalls contributing to supply. The expectation is that the number of dwellings forthcoming will be greater, but the allowance included in the overall supply is 20 dwellings per annum, based on previous trends.
- 2.36 The consequence is that 100 dwellings have been added to the five-year housing land supply, which represents less than 3% of the Council's overall five-year supply. The Council will continue to monitor the delivery rates of windfall sites and will update, where necessary, the contribution they make to the overall supply position – to avoid under/over reliance.

## Stage 4: Assessment Review

**Figure 6: Stage 4 Assessment Review**



- 2.34 The evidence set out in the assessment presents a snap shot in time and will be updated regularly. Planning applications for housing and economic development uses are continually monitored by the Council and are received and approved or refused permission on an on-going basis.

## Link with Five-Year Housing Land Supply

- 2.35 The Council published its Five-Year Housing Land Supply in October 2019. The Local Development Scheme 2017-2020<sup>7</sup> identifies that this will be re-calculated on an annual basis. In accordance with the definition in the NPPF applications with planning permission will be considered firm commitments. Other sites are likely to be put in later years. In this review of the HELAA, some sites may move from being identified as deliverable to later periods in the housing trajectory due to the change in the definition of 'deliverable' (i.e. become 'developable' sites). Not only has the HELAA been used to inform the Council's five-year housing land supply of housing land; it will also help to continue to inform the plan making process as the Local Plan Review progresses.

<sup>7</sup> [South Somerset District Council - Local Development Scheme \(LDS\)](#)

## Appendix 1 – Site Submission Form

1. Contact Details (Person submitting the site for consideration)	
Name and company (if applicable)	
Representing (if applicable)	
Address	
Phone Number	
Email	
2. I am (indicate as appropriate)...	
Owner of the site	Land Agent
Planning Consultant	Developer
Registered Social Landlord	Other (please specify):

<p><b>General Data Protection Regulation (GDPR)</b></p> <p><i>We will use the details of sites submitted to inform the formulation of the HELAA, which will in turn be made publically available. Personal details (name and contact details) will NOT be made publically available but will be kept in a secure database and used by Officers of the Council for reasons such as to request further information if necessary and to notify you of HELAA and Local Plan Review progress. This information is shared with limited other Council departments and parish / town councils undertaking plan-making, but no external agency; Personal data will not be sold and will not be used for any other purpose. Submitted Forms will not be made available on the Council's website, but the Council's assessments of each site will be published.</i></p> <p><i>All information submitted will be kept for such time as is relevant for this plan and/or until the record is no longer required – for example when the site has been developed.</i></p> <p><b>Please confirm you give your consent to the above use of your contact details</b></p> <p><i>All data will be processed in accordance with the GDPR. The Council's Privacy Policy can be found on our website here: <a href="https://www.southsomerset.gov.uk/your-council/data-protection-and-freedom-of-information/privacy-and-data-protection/">https://www.southsomerset.gov.uk/your-council/data-protection-and-freedom-of-information/privacy-and-data-protection/</a></i></p>	
<p><b>Disclaimer</b></p> <p><b>By signing and returning this form you are confirming that the information given is true, complete and accurate. If returned electronically please print your name in the signature box below.</b></p>	
Signed	Date
<p><b>3. Site Ownership (this section must be completed)</b></p>	
Landowner Full Name	
Address	
Phone Number	

Email		
Is this person the sole landowner of the site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Additional Landowner Details (If applicable)		
Do all the landowners consent to their land being considered (If applicable)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>4. Site Information</b>		
Site location <b>(address including postcode)</b>  <i><b>NB: This form must be accompanied by a site plan</b></i>		
<b>How will the site be accessed?</b> (Indicate on the site plan. By completing and returning this proforma you consent to officers of the Council visiting the site in order to make an assessment against the Site Assessment Methodology. Site visits will be unaccompanied where possible. If the site can be seen from public vantage points there may be no need for site access).	Please indicate if there are any issues which would prevent officers of the council undertaking a site visit unaccompanied.	
<b>Site area</b> (in hectares)		
<b>Current Land Use</b> (e.g. employment, agricultural land/countryside, agricultural buildings, housing, residential garden, mixed use, vacant land in urban area).		

Type of site (e.g. greenfield or previously developed land)	
<b>Has this site been promoted and assessed in previous HELAAs?</b> (please insert reference number if known)	
<b>Planning History</b> (if applicable)  Does the site have any relevant history including lapsed or refused, pending or approved planning applications which include residential/economic development? Please provide the application reference and description of the proposal if applicable	

5. Proposed Future Uses & Capacity		
USE (if mixed use, please tick all that apply)	Yes	Basic Information – area/number of units/proposed Floorspace/number of pitches/Jobs
Housing	<input type="checkbox"/>	
Affordable Housing only	<input type="checkbox"/>	
Plots for self-build	<input type="checkbox"/>	
Care Home/Older Persons Housing	<input type="checkbox"/>	
Office, Research & Development, light industrial (B1)	<input type="checkbox"/>	
General industrial (B2) / warehousing (B8)	<input type="checkbox"/>	
Gypsy, Traveller or Travelling showpeople pitches/plots	<input type="checkbox"/>	
Other economic development uses, (please specify below)	<input type="checkbox"/>	
6. Market Interest		
Please choose the most appropriate category below and indicate what level of market interest there is/has recently been in the site.		
	Yes	Comments
Site is owned by a developer	<input type="checkbox"/>	

Site is under option to a developer	<input type="checkbox"/>		
Enquiries received	<input type="checkbox"/>		
Site is being marketed	<input type="checkbox"/>		
None / Not Known	<input type="checkbox"/>		
<b>7. Utilities / Infrastructure</b>			
Please tell us which of the following utilities are available to the site			
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>
Mains water supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mains sewerage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electrical supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gas supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landline telephone/broadband internet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Transport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):			
<b>8. Viability</b>			
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>
Is development of the site for the use proposed viable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If 'YES' to above, please explain why you consider development of the site is currently viable or could be made viable			

<b>9. Development Constraints</b>			
To the best of your knowledge, are there any constraints that may prevent development on the site?			
	<b>Yes</b>	<b>No</b>	<b>Unsure</b>

Local Plan 2006-2028 – not a location for development in the spatial strategy (Policies:SS2, SS3 and SS5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land in other ownership must be acquired to access or develop the site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restrictive covenants exist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current use needs to be relocated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Physical constraints (topography, trees, pylons, other)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public rights of way cross or adjoin the site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contamination/pollution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conservation Area/Listed Buildings or Schedule Monument	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Designation (e.g. SPA, SSSI, local wildlife sites)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flood Zones 2 and/or 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please provide any relevant information in section 11 of likely measures or any site investigations that have been undertaken to address any of the above that you have answered “YES”			
<b>10. Timescale</b>			
Please indicate the approximate timescale for availability from 1 <sup>st</sup> April 2020:			
<b>Comments</b> – particularly if you have indicated that the site is ‘immediately available’ or ‘up to 5 years’, please explain what is actively being undertaken to achieve this timeframe (this should demonstrate that there is a realistic prospect of delivery consistent with the NPPF):			
Immediately	<input type="checkbox"/>	Comments:	
Up to 5 years	<input type="checkbox"/>		
5 - 10 years	<input type="checkbox"/>		
10 – 15 years	<input type="checkbox"/>		



Beyond 15 years	<input type="checkbox"/>	
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**11. Other Relevant Information** – Please use the space below for additional information or further explanations on any of the topics covered in this form (any additional info should be limited to 3 sides of A4):

Please return this form by Friday 27<sup>th</sup> March 2020

## Appendix 2 – Ramsar Guidance from Natural England

Date: 17 August 2020



Customer Services  
Hornbeam House  
Crewe Business  
Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam

### **Matters regarding development in relation to the Somerset Levels and Moors Ramsar Site**

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#### **Background**

Natural England is writing to your Authority regarding the implications of the CJEU case known as the “Dutch N” (Joined Cases C-293/17 and C-294/17 *Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others*) in relation to planning applications than may affect the Somerset Levels and Moors Ramsar protected site.

Dutch-N concerns agricultural N-pollution affecting protected heathland sites. However, the general principles involved are applicable to other pollutants or other receptors – the essential point being that where the conservation status of a protected natural habitat is unfavourable, the possibility of authorising activities which may subsequently compromise the ability to restore the site to favourable condition and achieve the conservation objectives is “necessarily limited”.

The ruling has resulted in greater scrutiny of plans or projects that will result in increased nutrient loads that may have an effect on:

- Special Protection Areas (SPA) designated under the Habitat Regulations 2017

- Special Areas of Conservation (SAC) designated under the Habitat Regulations 2017
- Sites designated under the Ramsar Convention, which as a matter of national policy<sup>8</sup> are afforded the same protection as if they were designated under the Habitat Regulations 2017

By informing the way in which Reg. 63 of the Habitats Regulations 2017 should apply to pollution-related matters Dutch-N has resulted in the need for greater scrutiny of the effects of plans or projects that are likely to, either directly or indirectly, increase nutrient loads to internationally important sites (i.e. SACs, SPAs and Ramsar Sites) where a reason for unfavourable condition is an excess of a specific pollutant. Following the Dutch N ruling, the legal difficulty in authorising plans or projects that lead to further inputs of that pollutant is clear.

## **Somerset Levels and Moors Protected Site(s)**

The Somerset Levels and Moors are designated as an SPA under the Habitat Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention. The Ramsar Site broadly covers the same area as the Somerset Levels and Moors SPA. While the SPA is designated for its international waterbird communities, the Ramsar Site is designated for its internationally important wetland features including the floristic and invertebrate diversity and species of its ditches, which is shared as a designated feature of the underpinning Sites of Special Scientific Interest (SSSIs). Further information relating to the unfavourable condition of the Ramsar Site and the underpinning SSSIs designated under the Wildlife & Countryside Act 1981 (as amended) is provided at Annex 1.

In relation to the Somerset Levels and Moors SPA, based on our current understanding, Natural England is satisfied that additional nutrients from typical new developments described in this letter are unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated. On this basis, Natural England is satisfied that the effects of additional nutrients from development on the SPA can normally be screened out of further assessment.

However, the interest features of the Somerset Levels and Moors Ramsar Site are considered unfavourable, or at risk, from the effects of eutrophication caused by excessive phosphates. Further, although improvements to the Sewage Treatment Works, along with more minor measures to tackle agricultural pollution have been secured, these will not reduce phosphate levels sufficiently to restore the condition of the Ramsar Site features. The scope for permitting further development that would add additional phosphate either directly or indirectly to the site, and thus erode the improvements secured, is necessarily limited.

Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) are protected as a matter of Government policy (National Planning Policy Framework paragraph 176). Therefore in line with national policy, Natural England advises that your Authority, as the competent authority under the Habitats Regulations 2017, considers the implications of these matters on the Ramsar Site through an appropriate assessment of the implications of the plan or project in view of that site's conservation objectives. Having carried out that assessment, permission for the plan or project may only be given if the assessment allows you to ascertain that it will not have an adverse effect on the integrity of the site.

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<sup>8</sup> NPPF para. 176.

## Conservation Objectives for Ramsar Sites

Site specific conservation objectives for Ramsar Sites have not been published. However, the following generic Conservation Objectives for all Ramsar Sites have previously been signed off by Natural England:

“With regard to the Ramsar Site and the wetland habitats, individual species and/or groups of species for which the site has been listed (its ‘Qualifying Features’), and subject to natural change;

Ensure that the integrity of the [Ramsar] site is maintained or restored as appropriate, and ensure that the site contributes to achieving the wise use of wetlands across the UK, by maintaining or restoring;

- The extent and distribution of qualifying habitats and habitats of qualifying species
- The structure and function of qualifying habitats and habitats of qualifying species
- The supporting processes on which qualifying habitats and habitats of qualifying species rely
- The populations of each qualifying species, and,
- The distribution of each qualifying species within the site.”

The conservation objectives for the Ramsar Site should also ensure consistency with the published conservation objectives for the Somerset Levels and Moors SPA.

## Implications for development within the hydrological catchment of the Somerset Levels and Moors Ramsar Site

Natural England advises that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment proceeding to an appropriate assessment where a likely significant effect cannot be ruled out, even where the development contains pollution mitigation provisions. Note the need for an appropriate assessment of proposals that include mitigation measures designed to avoid an adverse impact is established in domestic case law<sup>9</sup> and European case law<sup>10</sup>. The appropriate assessment must rule out any reasonable doubt as to the likelihood of an adverse impact on the integrity of the site, having regard to its conservation objectives.

It has been established that a ‘nutrient neutrality’ approach to development is likely to be a lawfully robust solution to enable the grant of permissions that give rise to an appreciable effect. Examples of multi authority catchment solutions include the [nutrient neutrality methodology in the Solent](#), the River Avon Local Authorities phosphorous interim delivery plan to deliver phosphate neutrality, the River Axe (Devon) Nutrient Management Plan (currently in draft) and [Nitrogen Reduction in Poole Harbour Supplementary Planning Document](#). Your authority may wish to consider this approach to enable developments to proceed in the catchment that will result in additional phosphates. It is however emphasised that for such an approach to be lawful, it is likely that the measures used to offset such impacts should not compromise the ability to restore the designated site to favourable condition and achieve the conservation objectives.

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<sup>9</sup> *Gladman Developments Limited v S of S for Housing, Communities and Local Government and another* [2019] EWHC 2001 (Admin)

<sup>10</sup> *Sweetman vs Coillte Teoranta C-323/17* (“People over Wind”)

## Development types affected

### 1. Additional residential units and commercial development

Additional residential units within the catchment are likely add phosphate to the designated site via the waste water treatment effluent, thus contributing to the existing unfavourable condition and further preventing the site in achieving its conservation objectives. Natural England therefore advises that your authority carry out an appropriate assessment of planning applications that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation.

Provided the competent authority is satisfied that new commercial development will not significantly increase loadings at the catchment's waste water treatment works then they may be screened out from further assessment on the basis that people living in the catchment are also likely to work and use facilities in the catchment, and therefore wastewater generated by that person can be calculated using the population increase from new homes and other accommodation.

Tourism attractions (e.g. theme parks) are normally considered exceptions as these land uses attract people into the catchment and generate additional wastewater within the Somerset Levels and Moors catchment. There may also be cases where planning applications for new commercial or industrial development could result in the release of additional phosphates into the system, for example through processes that add phosphates, or significant volumes of additional waste water to the sewage treatment works.

Where applicable, the appropriate assessment should consider the improvements to Wessex Water's sewage treatment works secured under PR19. Once up and running these improvements will significantly reduce (although not remove) the offsetting requirements for new residential development in perpetuity. However, additional more temporary measures may be required to take account of the increased nutrient loads in the interim period.

### 2. Infrastructure that supports agricultural intensification

Increased agricultural intensification within the catchment of the Somerset Levels and Moors Ramsar Site will also lead to increased nutrient loading. For example, planning applications for new or expanded livestock housing (e.g. cattle sheds, chicken, or pig farm facilities, etc.) are all forms of agricultural intensification that if located within the catchment are likely to increase nutrient loads to the designated site and should be subject to an appropriate assessment.

#### *Additional considerations relating to slurry storage*

The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010, abbreviated to the SSAFO regulations, require agricultural holdings to provide storage infrastructure for silage, slurry and agricultural fuel oil to a given standards, sizes and lifespan to prevent water pollution. The size of a slurry store needed by a holding is determined by factors including the number of livestock, area of uncovered yard, presence of a separator, volumes of parlour washings etc. The installation of a new slurry store, or in some cases the enlargement of an existing slurry store, requires planning permission.

Natural England advises that when your Authority is seeking to determine applications for new or enlarged slurry stores on agricultural holdings within the catchment of the Somerset

Levels and Moors Ramsar Site it should, in accordance with Reg. 63 of the Habitats Regulations 2017, consider the plan or project that underlies the application for planning permission. The need for a new slurry store will in many cases be part of a broader plan or project, namely an increase in livestock numbers on the holding in question, with the slurry store being a legally necessary means of enabling that plan or project. The grant of planning permission for a new slurry store is likely to unlock the ability to intensify the use of the holding in question.

When carrying out an appropriate assessment of this sort, Natural England advises that a competent authority should proceed on the basis of an analysis of the added livestock capacity that a new slurry store would unlock. This principle has been established in decision making (see Torridge Council Appropriate Assessment under the Habitats Regulations of Planning Application 1/1041/2015/FULM: Land at Beckland Farm, Hartland).

### **3. Anaerobic digesters**

Natural England has particular concerns relating to the potential impacts of additional anaerobic digester (AD) plants within the Somerset Levels and Moors catchment. AD plants require the input of organic matter, often in the form of farmyard manure and arable plant matter. Livestock and arable crops within the catchment are significant contributors to the elevated phosphate and unfavourable condition of the designated sites, in particular at locations where there are runoff pathways. New (or increased capacity) of AD is therefore likely to be driving local land use changes such as the production of maize, which is known to be a significant contributor to diffuse water pollution.

It follows that permitting new, or increasing the capacity of existing, AD plants through the grant of planning permission is likely to unlock land use change which is known to contribute phosphorous and sediment to the catchment watercourses. Natural England advises that the competent authorities should consider new or enlarged AD facilities as simply one aspect of a plan or project of land use change. In this regard, when an application for a new or extension to an existing AD plant is within (or within close proximity) to the catchment of the Somerset Levels and Moors Ramsar Site, your authority should consider the risk that the development will indirectly increase the amount of phosphates entering the designated site. If an increase in the catchment's phosphate loads is considered likely then the implications of the proposals, along with any measures that may be implemented to alleviate that risk, should also be considered through an appropriate assessment.

### **4. Other development types**

We have focused here on the main types of development that result in additional phosphates in the Somerset Levels and Moors catchment. There may be other types of development that fall into that bracket and we would welcome further discussion in that respect.

## **Mitigation options**

Nutrient offsetting mitigation should be in place so as to avoid either permanent, or temporary increases in phosphate loads to the designated site and must be effective for the duration of the effect. In the case of new housing the duration of the effect is typically taken as in perpetuity, with the costs of maintaining, monitoring and enforcing mitigation calculated for a minimum of 80 – 125 years. It does not, however, follow that mitigation is not needed after that period, rather the expectation is the mitigation will continue indefinitely (e.g. through securing appropriate permanent land use change). In contrast, phosphate offsetting measures for agricultural intensification or AD plants need only be effective for the duration of the operation facilitated by the permission and therefore less permanent mitigation

measures may be appropriate. Natural England would be happy to discuss potential phosphate mitigation options for different types of development in due course.

## **Note**

This is the opinion of Natural England as statutory consultee to local planning authorities in relation to nature conservation and impacts of plans or projects on designated sites. It is up to individual planning authorities to take their own legal advice when exercising their statutory functions.

Natural England is keen to help your authority to understand the scope of the issues discussed above and to establish solutions which do not undermine the delivery of your plan policies. There are a number of mitigation measures which may be available to enable developments to proceed, whether on-site or off-site. We are also happy to engage directly with applicants on bespoke solutions through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please contact me on 07900 608072.

Yours sincerely

Simon Stonehouse, Natural England Wessex Team

## **Appendix 3 - The Somerset Levels and Moors Ramsar Site Catchment Area**